

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION



IN RE ELIZABETH-ANNE ROHR

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Civil Action No. 4:05CV353

JUDGE RON CLARK

**ORDER DENYING APPEAL FROM BANKRUPTCY COURT**

Before the court is Elizabeth-Anne Rohr's appeal from the Bankruptcy Court's Order to sell the Bob Jones Property [Doc. #1]. Ms. Rohr has failed to pay the necessary filing fee for an appeal, and taken no further action in this case. Because the court finds that even after repeated notifications Ms. Rohr has failed to comply with the requirements necessary to perfect an appeal, her appeal from Judge Brenda Rhoades' August 2, 2005 Order is DISMISSED.

**DISCUSSION**

On August 2, 2005, Bankruptcy Judge Brenda Rhoades entered an order granting the forced sale of a specific property lot owned by Ms. Rohr. Ms. Rohr filed on appeal from this order on August 8, 2005, but failed to pay the required filing fee. At that time, she was informed that she had until August 18, 2005 to pay the fee. On August 24, 2005, she was notified by letter that the court still had not received the fee. Moreover, in a letter dated August 30, 2005, Ms. Rohr was notified that she had also failed to submit a Designation of Contents of the Record on

appeal and a Statement of the Issues to be presented. To date, Ms. Rohr has not responded to either letter, nor has she taken any further action in regard to this appeal.

Bankruptcy Rule 8001(a) states that an appeal from a bankruptcy order must be taken within the time frame provided in Rule 8002, and that the notice of appeal be accompanied by the prescribed fee. As long as a party files the notice within the time prescribed, the rule directs the appeal is valid. Bankr. Rule 8001(a), 11 U.S.C.A. However, the failure to comply with any other requirements is grounds for any action the district court deems appropriate, “which may include dismissal of the appeal.” *Id.*

Here, Ms. Rohr filed her notice of appeal within the ten day time period required by Rule 8002. But, by neither timely paying the required fees, nor filing the Designation of Contents of the Record and a Statement of the Issues to be Presented, she failed to perfect the appeal. Since the court has given Ms. Rohr ample time to comply with the rules and warned her of her non-compliance, the court finds the appeal should be dismissed.

IT IS THEREFORE ORDERED that Ms. Rohr’s Appeal [Doc. #1] is **DISMISSED**.

So **ORDERED** and **SIGNED** this **15** day of **September, 2005**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge